#### **CAUSE NO. A-209040**

| MARIA ISABEL RAMIREZ, MANUEL    | § | IN THE DISTRICT COURT OF |
|---------------------------------|---|--------------------------|
| RAMIREZ, SR., EACH INDIVIDUALLY | § |                          |
| & AS REPRESENTATIVES OF THE     | § |                          |
| ESTATE OF MAUEL RAMIREZ, JR.;   | § |                          |
| AMISADAI PEREZ CASTELLANOS      | § |                          |
| ANF OF Z, A MINOR AND SYLVIA    | § | JEFFERSON COUNTY, TEXAS  |
| GOMEZ ANF OF N AND E, A         | § |                          |
| MINOR.                          | § |                          |
|                                 | § |                          |
| VS.                             | § |                          |
|                                 | § |                          |
| RCI HOSPITALITY HOLDINGS AND    | § |                          |
| CITY OF BEAUMONT                | § | 58th JUDICIAL DISTRICT   |

### NOTIFICATION OF PETITION TO REMOVE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, CITY OF BEAUMONT, Defendant in the above-styled and numbered cause, and files this, their Notification of Petition to Remove, and would show the Court the following:

I.

Plaintiff's Petition purportedly alleges violations of the federal constitution and seeks relief pursuant to 42 U.S.C. §1983. Pursuant to the provisions of 28 U.S.C. §1441, removal of an action from state court to federal court is authorized if the claim[s] arise under the laws of the United States. Attached hereto as Exhibit A is a copy of the Petition for Removal of this action that has been or will be filed with the United States District Court for the Eastern District of Texas, Beaumont Division.

Respectfully submitted,

/s/ Sharae N. Reed

Sharae N. Reed City Attorney P. O. Box 3827 Beaumont, Texas 77704 Sharae.Reed@beaumonttexas.gov (409)880-3715 (office) (409)880-3121 (telefax) State Bar No. 24068467

ATTORNEY FOR DEFENDANTS, City of Beaumont

## **CERTIFICATE OF SERVICE**

| opy of the above and foregoing has been               |
|---|
| nis the 2 <sup>nd</sup> day of February, 2022, by the |
|   |
| ied Mail, Return Receipt Requested;                   |
|   |
|   |
|   |
|   |
| /s/ Sharae N. Reed                                    |
| Sharae N. Reed  |
|   |

## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS BEAUMONT DIVISION

| MARIA ISABEL RAMIREZ, MANUEL    | Š |                 |  |
|---------------------------------|---|-----------------|--|
| RAMIREZ, SR., EACH INDIVIDUALLY | § |                 |  |
| & AS REPRESENTATIVES OF THE     | § |                 |  |
| ESTATE OF MAUEL RAMIREZ, JR.;   | § |                 |  |
| AMISADAI PEREZ CASTELLANOS      | § |                 |  |
| ANF OF Z, A MINOR AND SYLVIA    | § | Civil Action No |  |
| GOMEZ ANF OF N AND E, A         | § |                 |  |
| MINOR.                          | § |                 |  |
|                                 | § |                 |  |
| VS.                             | § |                 |  |
|                                 | § |                 |  |
| RCI HOSPITALITY HOLDINGS AND    | § |                 |  |
| CITY OF BEAUMONT                | § |                 |  |

## **PETITION FOR REMOVAL**

#### TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, the CITY OF BEAUMONT, and file this, their Petition for Removal of an action styled Maria Isabel Ramirez, et al v. RCI Hospitality Holdings and City of Beaumont, Cause Number A-209040<sup>1</sup>, presently pending in the District Court of Jefferson County, Texas, 58<sup>th</sup> Judicial District, to the United States District Court for the Eastern District of Texas, Beaumont Division, and, as grounds therefore, would show the Court the following:

- 1. The City of Beaumont was served on January 4, 2022.
- 2. Attached hereto and incorporated by reference herein are the Civil Docket Sheet for the above-referenced case, Defendant's Original Answer to Plaintiffs' Original Petition and Jury Demand and Plaintiffs' Original Petition.

<sup>&</sup>lt;sup>1</sup> The City has also filed a Motion to Server and requested that a new number be assigned to this case.

- 3. Plaintiffs' Petition purports to state claims and seek relief arising under the laws of the United States, namely 42 U.S.C. §1983. As such, these purported federal claims are among those for which this Court has jurisdiction pursuant to the provisions of 28 U.S.C §1441.
- 4. In satisfaction of the notice requirement of 28 U.S.C. §1446(d), Petitioner is contemporaneously filing a copy of this instrument with Honorable W. Kent Walston, 58<sup>th</sup> Judicial District Court, and forwarding a copy of same Plaintiff.

WHEREFORE, PREMISES CONSIDERED, Petitioner requests an evidentiary hearing be held promptly, that the above styled cause be removed to the United States District Court, that the state court be notified of the removal of said cause and for all such further relief to which Petitioner shows himself entitled.

Respectfully submitted,

/s/ Sharae N. Reed

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ATTORNEY FOR DEFENDANTS, City of Beaumont

# **CERTIFICATE OF SERVICE**

| I hereby certify that a true and correct of transmitted to all known counsel of record on the following method: | copy of the above and foregoing has been this the 2 <sup>nd</sup> day of February, 2022, by the |
|---|---|
| United States Postal Service, CertiHand-Delivery;Federal Express;Telefacsimile;xE-File.                         | fied Mail, Return Receipt Requested; /s/ Sharae N. Reed   |
|   | Sharae N. Reed  |